

Remarks

In the subject application, claims 286-319 are pending; of these, claims 286-305 and 314-317 have been withdrawn from consideration. Claims 306-313 and 318-319 are rejected in the Office Action. Claim 306, 307, and 308-313 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,891,971 issued to Keoshkerian et al. ("Keoshkerian") and claims are rejected under 35 U.S.C. §102(b) as being anticipated by Keoshkerian or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Keoshkerian.

Rejections Under 35 U.S.C. § 102 and 103(a)

In the Office Action, claims 306, 307, and 308-313 are rejected under 35 U.S.C. §102(b) as being anticipated by Keoshkerian. The Examiner states that Keoshkerian in Examples I and II discloses a block copolymer using the macromer of Example I which is prepared using TEMPO as a living radical initiator. The Examiner continues that because the block copolymer of Example II involves using the macromer of Example I which has a conversion of 65 percent, there is a reasonable basis that the claimed copolymers are inherently possessed in Keoshkerian. Applicants respectfully traverse the rejection.

Applicants respectfully submit that arguments in the Response to Office Action filed November 9, 2005 were not completely understood by the Examiner and are clarified herein. Applicants did not argue for patentability because the block copolymers of Keoshkerian have a narrow weight distribution. Applicants argued that the block copolymers of Keoshkerian are "well defined block and multiblock copolymer thermoplastics" (see column 5, lines 38-44). The blocks copolymers of Keoshkerian comprise blocks of a single

monomer and do not comprise blocks comprising both monomers. Applicants respectfully submit that the process describe in Keoshkerian and the process used in Examples I and II of Keoshkerian are patentably distinct from the claimed process and the polymers described in Keoshkerian are patentably distincts from the claimed polymers.

The process of Keoshkerian described in Examples I and II involves the following steps:

1. Prepare a polymer comprising a first monomer. The polymerization of Example I comprises a stable free radical polymerization of n-butylacrylate resulting in poly(n-butylacrylate)-TEMPO of Mn=45,537 with polydispersity of 1.55, and conversion of 65%.

2. Isolation of the polymer. The poly(n-butylacrylate)-TEMPO of Example I had to have been isolated form the remaining butylacrylate monomer to a solid polymer product because Example II states that the poly(n-butylacrylate)-TEMPO (2.2 grams) was *dissolved* in styrene monomer. The styrene monomer was not added to the polymerization of the Example I as in the process as presently claimed.

3. Polymerize the second block. The polymerization of Example II comprises a stable free radical polymerization of styrene with resulting in a well defined poly(n-butylacrylate-b-styrene). The polymerization of Example II is a homopolymerization of styrene. This is emphasized in column 5, lines 33-44, wherein the process is described as "repeatedly reacting the *resulting product* with successively added monomers which monomers *are*

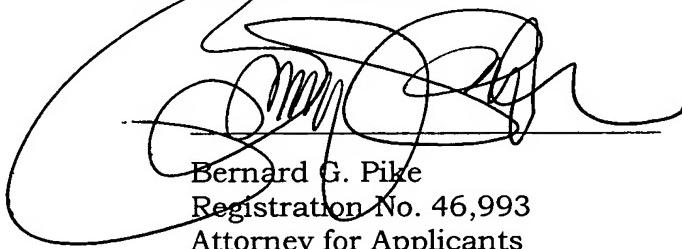
different from the previously polymerized monomer to form well defined block and multiblock copolymer thermoplastics.

The processes as presently claimed do not produce *well defined* blocks, as defined in Keoshkerian, but produce copolymers with a block comprising two monomers as claimed in claims 308, (a third block synthesized from both the first and second monomers), 311 (wherein at least one block comprises a tapered copolymer), and 312 (wherein the concentration of the first monomer in the second block increases the greater the distance from the first block along the copolymer chain). Such processes and copolymers are not disclosed nor obvious (the above referenced sections of Keoshkerian actually teach away from the claimed processes and copolymers) based upon the disclosure of Keoshkerian.

Conclusion

Applicants have made a diligent effort to fully respond to all the rejections and comments presented by the Examiner in the Office Action. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in the subject application. If the Examiner has any additional concerns regarding Applicants' present response, he is invited to contact Applicants' undersigned representative at the telephone number listed below so that those concerns may be expeditiously addressed.

Respectfully submitted,



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